

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DEMETERIA CLINTON,

Plaintiff,

v.

DISCOVER BANK,

Defendant.

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CIVIL ACTION NO. 3:11-cv-00676

**DB SERVICING CORPORATION'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendant DB Servicing Corporation (“Discover”) successor to DFS Services LLC, wrongly named herein as Discover Bank, files this Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c) and shows the court the following:

1. Although nearly indecipherable, Ms. Clinton appears to contend that Discover provided allegedly “fallacious information,” which supposedly caused “damage in credit.” Her allegations appear to relate to the responsibilities of Discover as a “furnisher” of information to consumer reporting agencies and thus her claim arises under the Fair Credit Reporting Act 15 USC § 1681 et. seq. However, as pled, she does not have a viable cause of action under the FCRA and her claim should be dismissed because there is no private right of action under the Fair Credit Reporting Act by furnishing allegedly inaccurate information. In addition, Ms. Clinton has not alleged a cause of action under 15 U.S.C. § 1681s-2(b) because she has not plead any facts consistent with the requirement that a credit reporting agency sent a notice of dispute to Discover thus triggering Discover’s investigative responsibilities under 1681s-2(b).

For the above reasons, the Court should award judgment for Discover.

Respectfully submitted,

/s/ Gregg D. Stevens

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**ATTORNEYS FOR DEFENDANT
DB SERVICING CORPORATION,
SUCCESSOR TO DFS SERVICES LLC
WRONGLY NAMED HEREIN AS DISCOVER
BANK**

CERTIFICATE OF SERVICE

On April 15, 2011, a true and correct copy of the foregoing document was sent via certified mail, return receipt requested and first class US mail to Demeteria Clinton, 1322 Misty Meadow Drive, Midlothian, Texas 76065.

/s/ Rachel L. Hytken

Rachel L. Hytken